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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/980,636	08/29/2002	John V Briel	36-1642	7111

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EXAMINER

LANEAU, RONALD

ART UNIT PAPER NUMBER

3627

DATE MAILED: 11/16/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/980,636

Applicant(s)

BRIEL ET AL.

Examiner

Ronald Laneau

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 August 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>08262004</u> . | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

1. The amendment filed on 08/26/2004 has been entered. New claims 11-19 are added and claims 1-19 are now pending in this application.

Drawings

2. The drawings filed on 08/26/2004 are accepted by the Examiner.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-6 and 10-19 are rejected under 35 U.S.C. 102(b) as being anticipated by Koreeda (5,890,137).

As per claims 1 and 11-16, Koreeda discloses, an online shopping system's configuration, i.e. data management system, which is used in receiving and processing data in relation to multiple products for multiple stores, and records the product selection, payment, and delivery processing as it pertains to the ordered product, i.e. in respect of a generated product description (Abstract, Fig. 1);

the system comprising:

an input for product selection data (Fig. 1 - Shop System/service Center, Fig. 10 -Service enter - Shop A's Business Terminal, Fig. 14 - Product Data; cols. 5-6, lines 1-19; the product data

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initially had to come from the shop system as it is part of their inventory, as would new additions, etc.);

a marketplace product store for storing marketplace product definitions (Fig. 1 – Service Center', cols. 5-6, lines 1-19),.

a product selection store for storing data defining a selection of one or more products from the market place product store (Fig. 1 - Product Selection Unit/Accumulation Unit);

an enterprise capability store for storing data defining capability of an enterprise in relation to supply of one or more products (Fig. 1 - on-line shopping system); and

a product fulfillment data store for storing one or more product descriptions (Fig. 1- Delivery Processing Unit);

wherein there is further provided means to generate at least one link between each product description in the product fulfillment data store to data stored in the enterprise capability store (Fig. 1 - links between all components are shown and as the enterprise capability store, i.e. the online shopping system - the means to link set forth as a computer network, which can connect through the Internet and communication lines, see, e.g. cols. 5-6)

at least one link between each product description in the product fulfillment data store to data stored in the product selection store (Figs.1 and 3, see, e.g. cols. 5-6 and 11).

As per claim 2, Koreeda discloses the specified data in the enterprise capability store relates to equipment necessary to support provision of a product identified in the product description (Figs. 1 and 3, including Approval center/payment collection unit, Product Delivery Payment, Settlement Network, Invoicing, Appropriate software transfer to user).

As per claim 3, Koreeda discloses that the product description includes order time, order expiration, and inventory information, i.e. date information together with availability date data, and the system further comprises means to review the availability date data against the date information, such that a valid product description is dependent upon compatibility between the availability date data and the date information (Figs. 3 and 14, cols. 6, 9-10 - the product download is performed each time the user utilizes the program and the product confirmation unit makes the user decide what products to buy and also is reloaded each time and thus updated information would be based upon availability, and the information is reconfirmed after the user clicks OK; the means is the repetitive download and the reconfirmation.).

Koreeda discloses claim 4 for the same reasons set forth in claim 3.

As per claims 5 and 17-19, Koreeda discloses a means to generate a link between each marketplace product definition stored in the marketplace product store to data stored in the enterprise capability store, said links being determined by a requirement in the respective marketplace product definition for specified data in the enterprise capability store, such that a valid marketplace product definition is dependent on presence of said specified data in the enterprise capability store (Koreeda links each marketplace product definition in the service center with definitions throughout the shopping system, i.e. enterprise capability store, and if each of the data is not present then there is no transaction, i.e. a valid marketplace product definition depends on presence of specified data in the online shopping system - mean to generate a link can be a computer network, the Internet, communications links - Figs. 1-3, 9A, 9B, and 10-15; cols 5-11).

Koreeda discloses claim 6 for the same reasons a claim 3 and 5, i.e. updates are taught in claim 3 and the links are set forth in claim 5.

Method claim 10 is rejected for the same reasons set forth in system claims 1 and 5.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 7-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Koreeda (5,890,137) as applied to claims 1 and 5 above, and further in view of Blinn, et al. (5,897,622) which incorporates by reference 5,974,418).

As per claim 7, Koreeda discloses as set forth above in claim 1. Koreeda further discloses that items may be sold as sets (Fig. 6) and discloses product descriptions (Fig. 14). However, Koreeda does not disclose that data in the enterprise capability store comprises identifiers for instances of apparatus available to support a product identified in a product description. Blinn, et al. discloses the ability to recommend related items to purchasers, i.e. cross selling through utilizing identifiers for instances of apparatus available to support a product identified in a product description (Figs. 13A and 13B; cols. 17-19, lines 18-15). Blinn, et al. further discloses that in order to effectively promote their products merchants utilize a wide variety of discounting schemes, including cross-selling and that merchants desire an online system that allows for a significantly wider variety of product discounting and sales schemes.

Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to have utilized the ability to recommend related items to purchasers through the mechanism taught in Blinn, et al. in Koreeda for the specific reasons taught in Blinn, et al.

As per claims 8 and 9, Koreeda discloses as set forth above. However, Koreeda does not disclose a means to update the specified data in the enterprise capability store and to make consequent changes to links relevant to that data. Blinn, et al. discloses administrative actions accessibly by the system administrator to provide for management of the merchant system, including actions that enable the merchant to create pages to access the database to insert, delete and update database information through the use of modify the queries stored in the database instead of modifying the system modules, thus ensuring consistent changes throughout the system and negating the need to modify application every time a merchant modifies the database, i.e. this is a means to specified data in an enterprise capability store and to make consequent changes to links relevant to that data (col. 3, lines 2-18; cols. 9-10, lines 55-4; cols. 12-14, lines 57-61). Blinn, et al. further discloses that the ability to change the data easily permits the merchant to effectively promote their products and also to guarantee the shopper consistency and reliability in the information used to make purchasing decisions (col. 3, lines 19-30).

Thus, it would have been obvious to one of ordinary skill in the art at the time of the invention to have utilized the query system of Blinn, et al. in the system of Koreeda to effectuate updates/deletions in specific data in the database - online store or servicing center, i.e. the enterprise capability store or market product definition, and thus make changes to links relevant to that data for the specific reasons set forth in Blinn, et al.

Response to Arguments

7. Applicant's arguments filed 08/26/2004 have been fully considered but they are not persuasive.

Applicant argues that Koreeda fails to disclose "a product fulfillment data store for storing one or more product description." Contrary to applicant's arguments, the system of Koreeda inherently discloses such feature because all the products with their descriptions are stored in a database for user or buyers to be able to browse the product and be capable of purchasing from the market place product store. Furthermore, applicant argues that Koreeda does not disclose "the storage of data specifying what has been provided to a customer (product fulfillment data)." The system of Koreeda is recording all transaction made meaning that they must be store in some kind of storage in order to do what applicant calls "product fulfillment data" as claimed. This would allow Koreeda's system to keep track of the products purchase so that replacement can be provided for other customers. Applicant further argues that Koreeda also fails to teach or suggest "wherein at least one link is generated between each product description in the product fulfillment data store to data stored in the enterprise capability store." This particular feature has been addressed in the previous rejection. All the arguments about the dependent claims have been previously addressed and applicant can refer to the previous rejection. Applicant's arguments are deemed unpersuasive, claims 1-19 are finally rejected.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ronald Laneau whose telephone number is (703) 305-3973. The examiner can normally be reached on Mon-Fri from 8:30am - 6:00pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Olszewski can be reached on (703) 308-5183. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RL

Ronald Laneau
Examiner
Art Unit 3627

Michael J. Laneau 11/14/04
Primary Examiner

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